

UT Dallas Remote Work Arrangement (RWA) Guidelines and Expectations

Effective March 29, 2021

The 2020 pandemic forced us all to reassess what “working at UTD” looks like, short- and long- term. We had to step back and evaluate the best use of our most precious resources - people, funding, space and time. Many faculty and staff began working remotely due to the pandemic, and by doing so, we were propelled to rethink and reevaluate what *performing the job successfully and meeting expectations* look like now, and what it may look like in the future.

With the use of technology and our support for one another while adapting to a new normal, many lessons were learned and the status quo challenged. With this sudden shift to working remotely for what was originally believed to be short-term, departments uncovered opportunities for workload efficiencies, identified new and improved processes and discovered hidden talents within their team they might not have otherwise explored. Though it has not been an easy transition for many, in general, our community of dedicated faculty and staff met the challenge of establishing remote work procedures and expectations as our campus took the necessary precautions to reduce the spread of COVID-19.

With the lessons learned and experiences shared over the past year, we must ask what does “working for UTD” look like moving forward. As plans are finalized to return to campus, it is anticipated that some units will permit employees to work remotely on an on-going basis instead of performing their duties on campus. The guidelines and expectations for RWAs are provided so employees, supervisors, and unit leadership will understand the parameters in which remote work arrangements may be permitted.

Note: The current Telecommuting Policy is under review with an anticipated effective date of 9/1/2021 or sooner. While the policy is under revision, the following criteria and guidelines should be used by all employees, supervisors and unit leadership when considering a RWA effective June 1, 2021 or after.

All current and approved RWAs are considered temporary and will be re-evaluated no later than May 31, 2021. Supervisors and unit leadership should engage with employees as soon as possible to discuss expectations and plans for returning to campus.

Defining Remote Work Location

A remote work location is defined as the designated work location for any faculty, staff or student that is not a UTD owned or leased building or facility. In general, the remote work location is the employee’s place of residence; however, the designated location may be dependent upon other relevant factors.

- a) Having a remote work arrangement approved does not mean the employee is no longer expected to report to campus or the designated UTD facility. The employee may still be required to report to the designated UTD location depending on operational or business needs, special events, etc.
- b) A RWA is required if the employee will routinely work remotely or for a hybrid approach of working remotely and working on campus or at a designed UTD facility.
- c) A RWA would apply to all faculty, staff and student employees, including temporary and non-benefits eligible employees.

Assess if a RWA will be effective for the employee and the university

While there are some obvious advantages of working remotely, for some employees the experience has not been ideal. An employee may use the office as respite from family life, colleagues may serve as the main social circle, or an employee may not have a home office environment conducive to performing job duties as expected. Others may find it difficult to balance distractions at home while working remotely or just need a more structured routine to aid their comprehension and productivity.

A supervisor should not expect every employee to be accepting of or desiring a RWA, especially if the employee did not request to work remotely. Supervisors may consider that remote work be partially implemented, with some time spent in-person and some work performed remotely. The variety of work positions, and the variety of people occupying those positions, suggest that concerns should be addressed in advance in consultation with Employee Relations in HR.

Guidelines and expectations for in State RWAs:

- a) All RWAs must be pre-approved before being implemented.
- b) Supervisors have the discretion to not allow any type of RWA for any position in their unit, even if the position could be performed remotely. An employee does not have the authority to decide on their own if they want to work remotely or if their position is eligible to work remotely. Only the supervisor(s) may approve a RWA in accordance with established criteria and protocols as defined by UTD, and executive leadership of the unit/school/division.
- c) The employee is responsible for any travel-related costs when coming to campus. UTD will not reimburse for gas, mileage, tolls, or other travel expenses if working remotely.

- d) Remote employees are responsible for providing a secure and appropriate level of internet connectivity at their remote work location. Remote employees will not receive reimbursement or additional compensation to maintain this connectivity. If an employee cannot provide an appropriate level of internet connectivity and security, they will not be eligible for remote work.
- e) Worker's Compensation. Employees who have received prior authorization for a RWA and who are subsequently injured during the course and scope of employment while working remotely may be eligible to file a workers' compensation claim. Employees and supervisors should follow UTDBP3111 and the appropriate workers' compensation guidelines.
- f) Depending on the role and unit, remote workers may not be provided a dedicated work space on campus. Supervisors should identify appropriate work space for remote employees when they need to report to campus.
- g) A RWA may impose additional technology costs for the employee. For example, employees engaging in remote work are responsible for obtaining reliable Internet access at their own expense. If UTD technology equipment must be shipped to the UTD campus, the expense of shipment will be the employee's responsibility.

Criteria for approving a RWA

- a) Job Duties and Requirements - Supervisors should focus on the job duties, operational needs and expectations of each position itself, rather than solely focusing on the particular employee occupying the position. Business needs and expectations to serve the campus community are given priority consideration.
- b) Performance - Supervisors should not approve a RWA if performance, behavior, attendance or other work-related concerns exist that may impact the employee's ability to be successful in a remote work environment.
- c) Length of Agreement - RWAs are not granted indefinitely and may be revoked at any time. If revoked or altered, a notice period of one week minimum should be provided to allow the employee to make any personal adjustments necessary to transition back to working on campus or to an alternative RWA schedule.
- d) Unit Specific Requirements - Executive leadership may establish unit-specific parameters, in addition to the UTD criteria and guidelines, as part of the review and approval process.

Approval Process:

All in-state RWA requests will be approved at the discretion of the unit/school/division executive leadership in accordance with unit specific criteria and protocols, and those defined by UTD.

Revised request and approval form pending.

Guidance for Supervisors

Communication is key to a productive remote work arrangement. Supervisors should set clear and consistent expectations with employees performing work remotely. Before permitting employees to work remotely, supervisors should take the following steps:

1. Determine which positions are eligible for RWA

Leadership should review the positions in their department and determine which (if any) are suited for remote work. Without this step, there is a risk that decisions to approve remote work may be perceived as arbitrary. The primary criterion for determining if a position is eligible for remote work is if it meets the operational business needs of the department. The arrangement must align with the office or department's culture and goals, including productivity, cost-effectiveness, and service to internal and external customers and stakeholders. Eligibility may vary for different types of arrangements because some options may not be appropriate for all positions including but not limited to:

- Positions that require a physical presence on campus to perform the job duties;
- Employees whose documented performance has not demonstrated the skills and qualities necessary to succeed in the proposed remote work environment;
- Positions that are primarily performed in-person and/or are customer facing.

2. Setting expectations

- a) RWAs should not be approved to permit an employee to work at other jobs or run their own businesses. Please refer to the [Conflict of Interest process in such situations](#).
- b) Remote work should not be used as a substitute for child care or elder care during scheduled work hours.
- c) Supervisors and employees must discuss what duties and assignments will be performed remotely. In some instances, employees may not be able to carry out all expected duties from home and, therefore, a RWA is not appropriate. If work duties will be altered, the

supervisor is responsible for creating a plan to address how those specific tasks, special projects or assignments will be completed.

- d) A plan should be developed outlining scheduled times for supervisors and employees to communicate directly with each other. Examples include a daily check-in, being responsive to emails and other collaborative tools for communication, a weekly conference meeting, etc.
- e) Consider how your operational objectives and departmental functions and processes dictate the department schedule and serving the campus community, guest and visitors. For example, the expectations of your unit might be:
 - i. Telephone/front desk coverage must be in-person five days a week, from 8 a.m. to 5 p.m.;
 - ii. Everyone must attend weekly staff meetings on campus and/or via video;
 - iii. Everyone must be available for a weekly status report discussion at an agreed upon time;
 - iv. Everyone must be reachable by phone, text, other collaborative tools for communication, and/or email during regular business hours.
- f) Employees must have the appropriate equipment and technological access to ensure duties can be completed remotely. Regardless of physical work location, all employees remain subject to UTD policy UTDBP3096 – Information Security and Acceptable Use. This policy defines protection of UTD information assets, regardless of whether accessed from UTD-owned or personally-owned equipment.
- g) Employees working remotely must abide by all UTD policies, follow safety protocols, adhere to recordkeeping and payroll practices, maintain confidentiality and take measures to achieve information security and prevent unauthorized access to UTD information.

3. Establish core business hours even if on RWA

Core business hours are determined by the supervisor/leadership for the unit or department who sets the expectation of when all employees should be available to customers and colleagues.

4. An alternative schedule or change to RWA

- a) A RWA does not mean the employee can set their own work hours. Supervisors must establish the core work hours and manage alterations to the schedule as they would if the employee was working on campus.

- b) If the RWA is a hybrid of working on campus and remotely, supervisors must determine the number of allowable remote days and how those will be scheduled (i.e. on a fixed schedule or a flexible schedule based on the week or workload).

Guidelines and expectations for out of State RWAs

As of June 1, 2021, all requests for an out of state RWA will require executive level review (Vice President and Chief of Staff for Administrative Units, and Provost for Academic units). ***Out of state RWAs will only be approved for mission critical positions and subject to annual review and approval.***

- a) The expectations and guidelines used in determining if a position is eligible for an in state RWA also applies to out of state RWAs.
- b) Out of state restrictions/requirements do not apply to summer research projects, short-term and temporary living arrangements or visits. Episodic work (days or a few weeks) or short-term faculty summer research projects (i.e., 3-4 months) where work is performed outside of Texas on a limited or temporary basis is permitted.
- c) An on-going out of state RWA may not be feasible or appropriate based on the position. The employee may be required to return to campus to perform their work duties at any time.
- d) The employee is responsible for any travel related cost when coming to campus. UTD will not reimburse for gas, mileage, tolls, or other travel expenses if working remotely.

Factors to consider for out of state RWAs

- a) The location of where the work is performed, not just the place of residence, is a key factor in determining if work is performed out of state. An employee who lives out of state, but performs work in state is not in an out of state RWA.
- b) A P.O. Box does not qualify as a residence. Employees must provide their residential address to UTD if requesting a RWA.

Impact to employee if working out of state

- a) UTD must apply all state and local tax and employment requirements of the city and state for which the employee resides and is performing work for UTD. This may result in additional personal or state taxes to the employee, impact the level of coverage of benefits and co-pays/out-of-pocket expenses, impact FMLA and other leave options, worker's compensation coverage and other related laws and regulations.

- b) Employees are responsible for being informed and aware of any personal impact to their tax status, employment status, benefit coverage, worker's compensation coverage and all other state, local or federal laws or requirements that apply to their out of state address of residence while in RWA status.

Examples of potential impact to the employee include, but may not be limited to, the following if residing and working outside of Texas:

- Impact to employment status:
 - FMLA, ACA, sick leave, vacation, termination of employment, etc., requirements vary from state to state. These aspects of employment may be handled differently than employees who perform their work in Texas.
 - UTD must register as an employer with that state for unemployment insurance.
- Impact to employee's immigration status:
 - An employee's immigration status may be impacted if they reside and work outside of the DFW area.
 - The Department of Homeland Security determines the geographical area for residence if an employee is on an immigration visa.
- Impact to employee's benefit coverage:
 - UT SELECT Health insurance In-area network benefits applies to eligible employees residing in Texas, New Mexico and Washington, D.C.
 - Out-of-area network benefits applies to employees residing in states not mentioned above. This could result in higher co-pays or co-insurance, or may have other impact to coverage. Refer to the [UT SELECT Medical Plan Guide](#) and the [HR Benefits website](#).
 - UT CONNECT Medical Plan network is only available within the North Texas Area; only emergency medical coverage will be available out of state.

Additional cost to department

In order to comply with the various state regulations associated with an out of state RWA, an administrative fee of \$2,000*/per employee will be charged annually to the home department.

**Exact fee TBD*

Impact to UTD for out of state workers

- a) Payroll tax and employment laws. UTD must abide by the laws and regulations of the state in which the work is performed. This can be complicated depending on the state and can impact everything from the amount of taxes taken out of the paycheck, eligibility for FMLA, sick leave, vacation, certain requirements on how employment

matters are resolved, termination process, required notice periods, etc. Many states have stricter employment and tax laws than Texas, and once UTD permits the employee to perform work for UTD in that state, UTD agrees to comply with that state's laws.

- b) Worker's compensation. Employees who have received prior authorization for an out-of-state RWA and who are subsequently injured during the course and scope of employment while working remotely may be eligible to file a workers' compensation claim. Out-of-state workers' compensation claims are subject to the laws of the state where the work was performed. Employees and supervisors should follow UTDBP3111 and the appropriate workers' compensation guidelines.
- c) Unemployment insurance. For any state in which UTD employees perform work for UTD, UTD must register as an employer. If the employee files for unemployment, they would be eligible for benefits as defined by that state, not Texas. The amount granted and the duration of coverage vary from state to state, plus eligibility criteria and requirements of the employee and employer vary.
- d) Immigration status may be impacted if working outside the DFW area. This is a Department of Homeland Security (DHS) designation as anyone working at UTD on an immigration visa is restricted as to where they may reside. For those working at UTD, DHS has defined the DFW Metroplex as the acceptable geographical region for residence. A location outside of DFW has to be reported to and approved by DHS or the employee will be out of compliance and their visa could be revoked. This requirement applies to even short-term arrangements.

Approval Process for out of state RWA requests

- a) All RWA requests where the employee will perform their duties outside of Texas will be approved at the discretion of the unit/school/division leadership/supervisor, and require executive level approval (Vice President and Chief of Staff for Administrative Units, and Provost for Academic Units). Out of state RWAs will only be approved for mission critical positions and subject to an annual review and approval process.
- b) Remote work arrangements for locations outside of the United States are not considered at this time and will not be approved.